

reported unfavorably, and voting for a favorable report for said bill, and that said notice of minority report was duly and seasonably made.

METCALFE,
LOVELADY,
LANE.

Senate Concurrent Resolution 22

Senator York, by unanimous consent, offered at this time the following resolution:

Be It Resolved by the Senate of Texas, the House of Representatives concurring:

The Enrolling and Engrossing Clerk of the Senate is instructed to correct the caption of S. B. No. 79 so that it will read as follows:

"An Act to amend Subdivision 85 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the 85th District Court in Robertson and Brazos Counties, constituting the 85th Judicial District; validating processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next term of court in said counties and district, as herein fixed; to validate the summoning of grand and petit juries under this Act; providing for apportionment of reporter's salary; and declaring an emergency."

The resolution was read, and by unanimous consent, it was considered immediately, and was adopted.

Senate Resolution 44

(To Provide for Block Picture)

Senator Morris, by unanimous consent, offered at this time the following resolution:

Be It Resolved by the Senate of Texas, That a committee of three Senators be appointed to arrange for having photographs made of the Governor, Lieutenant Governor, and Senators and Secretary of the Senate of the Forty-eighth Legislature and hung in the Senate Chamber; be it further Resolved, That the cost of same be paid if necessary, out of the Contingent Expense Fund of the Forty-eighth Legislature.

The resolution was read, and by unanimous consent, it was considered immediately, and was adopted.

Adjournment

On motion of Senator Martin, the Senate, at 12:25 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

TWENTY-FIFTH DAY

(Thursday, February 25, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Formby	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York

A quorum was announced present. Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Lemens was granted leave of absence for today on account of important business, on motion of Senator Metcalfe.

Communications Regarding Shortage of Feeds

Senator Brownlee submitted the following telegraphic communications and obtained unanimous consent to have them printed in the Journal:

(1)

Washington, D. C.,
February 24, 1943,
—2:45 p. m.

Hon. Houghton Brownlee, Chairman, Investigation Committee, State Senate, Austin, Texas.

Retel Marvin Jones, W. H. Jasspon, Director Oil Seeds Division Com-

modity Credit Corporation, and I. W. Duggan, Director Southern Division Agricultural Adjustment Agency, will arrive in Dallas Friday morning. Both of these men thoroughly conversant with situation. Will appreciate it if you will get in touch with them at Baker Hotel.

GROVER B. HILL,
Asst. Secretary of
Agriculture.

(2)

Austin, Texas,
February 25, 1943.

Grover B. Hill, Asst. Secretary of
Agriculture, Washington, D. C.

Thanks for telegram advising Messrs. Jasspon and Duggan will arrive in Dallas Friday morning can you arrange for these gentlemen to come to Austin as five Members out of thirty-one in State Senate are in armed service and if committee were forced to go to Dallas it would break quorum and suspend business please advise.

HOUGHTON BROWNLEE,
Chairman Investigation
Committee, State Senate.

Senate Resolution 45

Senator Aikin asked and obtained unanimous consent to offer and have considered at this time the following resolution:

Whereas, Lieutenant Kyle Vick, Jr., distinguished son of our fellow Member Senator Kyle Vick, is present in the Capitol; and

Whereas, Lieutenant Vick is on active duty with the U. S. Army Air Corps, and has accompanying him Lieutenant George Kircher, Brooklyn, N. Y., Lieutenant H. Wolfe, Manheim, Penn., Flight Officer Everett Landreth, Springfield, Ill., Sergeant Walter J. Chlarson, Phoenix, Ariz., and Sergeant Harold B. Harmon, Louisville, Ky.; and

Whereas, We are honored and delighted to have these fine young men as our guests; now, therefore, be it

Resolved, That Lieutenant Kyle Vick, Jr., and his friends accompanying him, be extended the privileges of the floor, and that Lieutenant Vick be invited to address the Senate.

The resolution was adopted.

Accordingly, the President appointed Senators Aikin, Mauritz, Vick, Moffett, and Lanning to escort Lieutenant Kyle Vick, Jr., and his friends to the President's desk.

The committee performed the duty assigned it, and Senator Aikin, at the request of the President, presented Lieutenant Kyle Vick, Jr., who, in turn presented to the Senate Lieutenants Kircher and Wolfe, Flight Officer Landreth, and Sergeants Chlarson and Harmon.

The President then commended the distinguished guests for the services they are rendering their country as members of the United States Army Air Corps.

Reports of Standing Committees

Senator Lanning submitted the following reports:

Austin, Texas,
February 25, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: We, your Committee on Finance to whom was referred H. B. No. 142, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANNING, Chairman.

Austin, Texas,
February 24, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: We, your Committee on Finance to whom was referred S. B. No. 212, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANNING, Chairman.

Austin, Texas,
February 25, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: We, your Committee on Finance to whom was referred H. B. No. 338, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANNING, Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Ramsey:

S. B. No. 227, A bill to be entitled "An Act prohibiting sitdown strikes and plant seizures, regulating picketing, providing penalties; and declaring an emergency."

To Committee on Labor.

By Senator Ramsey:

S. B. No. 228, A bill to be entitled "An Act defining 'labor union' and other terms requiring the registration of labor unions, prescribing the contents of registration statements, requiring annual renewals of registration, making it unlawful for a labor union to operate without being registered, prescribing the qualification of officers, directors and certain employees of labor unions, restricting the sending of funds outside the State, forbidding political contributions, prescribing civil penalties and providing for forfeiture of registration, providing criminal penalties, providing for the severability of the provisions hereof; and declaring an emergency."

To Committee on Labor.

By Senator Graves:

S. B. No. 229, A bill to be entitled "An Act to authorize joint control by a principal and his sureties of moneys and other assets and properties, deposited in and held by banks, savings banks, safe deposit or trust companies, or other depositories; to prevent withdrawal of such money or assets or any part thereof, without written consent of the surety or sureties, or order of the court, or a judge thereof; providing that such joint control agreement shall not in any manner release from or change the liability of the principal or sureties as established by the terms of said bond; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senators Morris and Shivers:

S. B. No. 230, A bill to be entitled "An Act requiring ambulances to be equipped with first aid kits and traction splints; requiring that operators thereof hold first aid certificates or

the equivalent; providing penalties for violation, providing an effective date; and declaring an emergency."

To Committee on Public Health.

By Senator Jones:

S. B. No. 231, A bill to be entitled "An Act amending Section 24, of S. B. No. 135, Acts of the Regular Session of the Forty-sixth Legislature, so as to provide that benefits under policies or certificates issued by burial associations shall be payable in cash rather than in merchandise and burial services if cash is demanded by the beneficiary; and declaring an emergency."

To Committee on Insurance.

Messages from the Governor

The following messages from the Governor were received and were read to the Senate:

Austin, Texas,
February 25, 1943.

To the Members of the Forty-eighth Legislature:

I regret that I am unable to approve S. B. No. 58 which is herewith returned to the Senate.

My objections to this bill arise from a belief that it is unconstitutional. The basis for such belief is found in the message of disapproval which I have submitted to both Houses in connection with the return of H. B. No. 167.

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

Austin, Texas,
February 25, 1943.

To the Members of the Forty-eighth Legislature:

I regret that I am unable to approve S. B. No. 59 which is herewith returned to the Senate.

My objections to this bill arise from a belief that it is unconstitutional. The basis for such belief is found in the message of disapproval which I have submitted to both Houses in connection with the return of H. B. No. 167.

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

Austin, Texas,
February 25, 1943.

To the Members of the Forty-eighth Legislature:

I regret that I am unable to approve S. B. No. 57 which is herewith returned to the Senate.

My objections to this bill arise from a belief that it is unconstitutional. The basis for such belief is found in the message of disapproval which I have submitted to both Houses in connection with the return of H. B. No. 167.

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

Text of Message Vetoing
House Bill No. 167

Austin, Texas,
February 24, 1943.

To the Members of the Forty-eighth Legislature:

I regret that I am unable to approve H. B. No. 167 which is herewith returned to the House of Representatives.

Section 14 of Article IV of the Constitution provides that every bill which shall have passed both houses of the Legislature shall be presented to the Governor for his approval. If he approve he shall sign it; but if he disapprove it, he shall return it, with his objections, to the House in which it originated.

My objections to this bill arise from a belief that it is unconstitutional. The following authorities appear to sustain my position:

Constitution of Texas, Art. 3, Sec. 56

Miller v. El Paso Co., 136 T. 370, 150 S. W. (2) 1000

Womack v. Carson, 123 T. 260, 70 S. W. (2) 416

City of Ft. Worth v. Bobbitt, 121 T. 14, 36 S. W. (2) 470

Bexar County v. Tynan, 128 T. 223, 97 S. W. (2) 467

Anderson v. Wood, 137 T. 201, 152 S. W. (2) 1084

Smith v. State, 120 Cr. R. 431, 49 S. W. (2) 739.

H. B. No. 167 fixes the compensation of County Commissioners in counties having a population of not less than twenty-seven thousand

(27,000) and not more than twenty-seven thousand, one hundred (27,100) according to the 1940 United States Census where the taxable values in said county shall exceed the sum of Fifty Million (\$50,000,000) Dollars for the last preceding year.

Section 56, Article III of the Constitution contains the following provisions:

"Sec. 56. The Legislature shall not, except as otherwise provided in this Constitution, pass any local or Special Law, authorizing: * * *

"Regulating the affairs of counties, cities, towns, wards or school districts; * * *

"Creating offices, or prescribing the powers and duties of officers, in counties, cities, towns, election or school districts; * * *

"And in all other cases where a General Law can be made applicable, no local or Special Law shall be enacted; * * *

The purpose of this constitutional inhibition against the enactment of local or Special Laws is a wholesome one. It is intended to prevent the granting of special privileges and to secure uniformity of law throughout the State as far as possible.

In the case of *Altgelt v. Gutzeit*, 109 Tex. 123, 201 S. W. 400, the Supreme Court held that an Act fixing salaries of County Commissioners was an Act "regulating the affairs of counties" within the purview of the Constitution, and an attempt to do so by local or Special Law was void.

H. B. No. 167 under facts well known at the time of its passage is applicable only to a single county. Clearly then it is a local law and must fall as such, unless it can be fairly said that the class so segregated by the Act is a substantial class and has characteristics legitimately distinguishing it from the remainder of the State so as to require legislation peculiar thereto. Resort to population brackets for the purpose of classifying subjects for legislation is permissible where the spread of population is broad enough to include or segregate a substantial class, and where the population bears some real relation to the subject of legislation and affords a fair basis for the classification. It has been legitimately employed in fixing fees of

offices in certain cases (Clark v. Finley, Comptroller, 93 Tex. 171, 178, 54 S. W. 343), but even then it is permissible only where the spread of population is substantial and is sufficient to include a real class with characteristics which reasonably distinguish it from others as applied to the contemplated legislation, and affords a fair basis for the classification. Bexar County v. Tynan, 128 Tex. 223, 97 S. W. (2) 467.

An examination of the authorities above cited will reveal that the Supreme Court has repeatedly held Acts of the Legislature similar to H. B. No. 167 to be unconstitutional and void. Since the courts have erected standards by which we can measure the validity of a bill; we should not put interested parties to the expense of a law suit in order to avoid the effects of an invalid law. The argument has been advanced that I could permit this bill to become a law without my signature by simply filing it with the Secretary of State. This, however, would only be following the line of least resistance on my part. It would not avoid the injury which would be done to interested parties who might attempt to follow an invalid law. Furthermore, the oath which was recently administered to me in your presence requires me to preserve, protect and defend the Constitution of this State. The import of this oath is one of affirmative action in behalf of the Constitution. If constitutional government is to survive, we must actively and vigorously support the provisions of the Constitution as interpreted by the highest Courts of our State. These opinions being firmly fixed in my mind, I conceive it to be my duty to return H. B. No. 167 to you with my disapproval.

Respectfully submitted,

COKE R. STEVENSON,
Governor of Texas.

Motion to Take up House Bill 159

Senator Aikin moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that H. B. No. 159 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving the neces-

sary four-fifths vote of the Senate's membership):

Yeas—23

Aikin	Lanning
Beck	Lovelady
Brownlee	Martin
Bullock	Mauritz
Chadick	Metcalfe
Cotten	Moffett
Fain	Morris
Formby	Stone
Graves	Sulak
Hazlewood	Vick
Jones	York
Lane	

Nays—3

Shivers	Winfield
Weinert	

Absent

Moore	Ramsey
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Absent—Excused

Kelley	Spears
Lemens	

House Bill 145 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 145, A bill to be entitled "An Act to amend Subdivision 109 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the 109th District Court in Reeves, Ward, Winkler, Crane, Andrews, and Loving Counties, constituting the 109th Judicial District of Texas; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 145 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 145 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Cotten
Beck	Fain
Brownlee	Formby
Bullock	Graves
Chadick	Hazlewood

Jones	Ramsey
Lane	Shivers
Lanning	Stone
Lovelady	Sulak
Martin	Vick
Mauritz	Weinert
Metcalf	Winfield
Moffett	York
Morris	

Absent

Moore

Absent—Excused

Kelley	Spears
Lemens	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Morris
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Vick
Jones	Weinert
Lane	Winfield
Lanning	York
Lovelady	

Absent

Moore

Absent—Excused

Kelley	Spears
Lemens	

House Bill 146 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 146, A bill to be entitled "An Act to amend Subdivision 70 of Article 199, Title 9, of the Revised Statutes of Texas, 1925, as to holding court in Howard, Martin, Midland, Ector, and Glasscock Counties, constituting the 70th Judicial District of Texas; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 146 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 146 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Morris
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Vick
Jones	Weinert
Lane	Winfield
Lanning	York
Lovelady	

Absent

Moore

Absent—Excused

Kelley	Spears
Lemens	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Morris
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Vick
Jones	Weinert
Lane	Winfield
Lanning	York
Lovelady	

Absent

Moore

Absent—Excused

Kelley	Spears
Lemens	

House Bill 165 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 165, A bill to be entitled "An Act to amend Subdivision 33 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, so as to change the length of the terms of District Court and the time of holding the terms of District Court in Gillespie, Mason, Blanco, Menard, San Saba, Llano, and Burnet Counties, constituting the Thirty-third Judicial District of Texas; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 165 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 165 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Morris
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Vick
Jones	Weinert
Lane	Winfield
Lanning	York
Lovelady	

Absent

Moore

Absent—Excused

Kelley	Spears
Lemens	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Brownlee
Beck	Bullock

Chadick	Metcalfe
Cotten	Moffett
Fain	Moore
Formby	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Kelley	Spears
Lemens	

Senate Bill 165 on Second Reading

On motion of Senator Jones, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 165, A bill to be entitled "An Act amending Subsection 16, Article 199, Title 8, Revised Civil Statutes of Texas, 1925, changing the time and term of holding the 16th Judicial District Court in Denton and Cooke Counties, constituting the 16th Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds and making them returnable to the next term of court in said counties and districts as herein fixed; validating the summoning of grand and petit juries under this Act; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Lanning offered the following committee amendment to the bill:

Amend S. B. No. 165 by substituting in lieu of Subsection (a) of Section 1, the following:

"(a) The 16th Judicial District of Texas shall be composed of Cooke and Denton Counties, and the terms of the District Court shall be held therein each year as follows:

"In the County of Cooke on the first Mondays in January and September, and on the sixteenth Monday after the first Monday in January.

"In the County of Denton on the eighth Monday after the first Mon-

days in January and September, and on the twenty-second Monday after the first Monday in January.

"Each term of court in each of such counties may continue until the date herein fixed for the beginning of the next succeeding term therein."

The amendment was adopted.

On motion of Senator Lanning the caption was amended to conform to the bill as amended.

The bill was passed to engrossment.

Senate Bill 165 on Third Reading

Senator Jones moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 165 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Morris
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Vick
Jones	Weinert
Lane	Winfield
Lanning	York
Lovelady	

Absent

Moore

Absent—Excused

Kelley	Spears
Lemens	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Graves
Beck	Hazlewood
Brownlee	Jones
Bullock	Lane
Chadick	Lanning
Cotten	Lovelady
Fain	Martin
Formby	Mauritz

Metcalf	Sulak
Moffett	Vick
Morris	Weinert
Ramsey	Winfield
Shivers	York
Stone	

Absent

Moore

Absent—Excused

Kelley	Spears
Lemens	

Bills and Resolution Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

H. B. No. 153, A bill to be entitled "An Act to amend Subdivision 38, of Article 199, Title 8, Revised Statutes of 1925, as amended by Act of the Forty-fifth Legislature at its Regular Session, page 484, Chapter 246, and providing for changing and prescribing terms and times for holding the courts in the counties composing the 38th Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of court in the several counties as herein fixed; etc.; and declaring an emergency."

H. B. No. 190, A bill to be entitled "An Act providing for the setting of nets for the purpose of catching suckers, buffalo, carp, shad, and gar in waters of Fayette County during certain months; etc.; and declaring an emergency."

H. B. No. 200, A bill to be entitled "An Act to amend Subsection 49, of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, Revision, so as to rearrange, change and provide the terms and the time of holding District Court in Dimmit, Zapata, Jim Hogg and Webb Counties, Texas, constituting the 49th Judicial District of Texas."

H. B. No. 4, A bill to be entitled "An Act to amend Article 6602, Title 115, Chapter 2, of the Revised Civil Statutes of 1925, so as to allow members of the armed forces outside of the United States to acknowledge legal documents and instruments before any commissioned officer in the armed forces of the United States of

America; and declaring an emergency."

H. C. R. No. 39, Authorizing the Enrolling Clerk of the House to make certain corrections in H. B. No. 200.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 25, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 47, Relative to adjournment over a certain period.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk House of Representatives.

House Bill 338 on Second Reading

Senator Moffett moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that H. B. No. 338 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Morris
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Vick
Jones	Winfield
Lane	York
Lanning	

Absent

Moore	Weinert
Ramsey	

Absent—Excused

Kelley	Spears
Lemens	

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 338, A bill to be entitled "An Act making an appropriation of Nineteen Thousand Six Hundred and

Twenty-five (\$19,625.00) Dollars to the Cigarette Tax Stamp Board for the purpose of purchasing 175,000,000 additional cigarette tax stamps under an existing contract between this State and the Steck Company, Austin, Texas; etc.; and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following amendment to the bill:

Amend H. B. No. 338 by striking out Section 1 thereof and inserting in lieu thereof the following:

"Section 1. There is hereby appropriated the sum of Nineteen Thousand Six Hundred and Twenty-five (\$19,625.00) Dollars out of the revenue derived from the cigarette tax to the Cigarette Tax Stamp Board for the manufacturing, printing, or purchasing of cigarette tax stamps as provided for in Section 30 of H. B. No. 755, Chapter 241, Acts of the Regular Session of the Forty-fourth Legislature."

The amendment was adopted.

The bill was passed to third reading.

House Bill 338 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 338 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Lanning
Beck	Lovelady
Brownlee	Martin
Bullock	Mauritz
Chadick	Moffett
Cotten	Morris
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Vick
Jones	Winfield
Lane	York

Absent

Metcalfe	Ramsey
Moore	Weinert

Absent—Excused

Kelley	Spears
Lemens	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Moffett
Chadick	Morris
Cotten	Shivers
Fain	Stone
Formby	Sulak
Graves	Vick
Jones	Winfield
Lane	York
Lanning	

Absent

Hazlewood	Ramsey
Metcalf	Weinert
Moore	

Absent—Excused

Kelley	Spears
Lemens	

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 25, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

H. C. R. No. 45, Commending Admiral Chester W. Nimitz upon his brilliant record and congratulations upon the attainment of his fifty-eighth birthday.

S. B. No. 119, A bill to be entitled "An Act to authorize persons licensed as chauffeurs and seventeen (17) years of age or over to operate motor vehicles used as public or common carriers of persons or school busses during the present war; and declaring an emergency."

(With amendments)

Has concurred in Senate amendment to H. C. R. No. 39, by viva voce vote.

S. C. R. No. 22, Authorizing certain correction in S. B. No. 79.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bill 119 with House Amendments

Senator Morris called S. B. No. 119 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

The Senate concurred in the House amendments by the following vote:

Yeas—22

Aikin	Lanning
Beck	Lovelady
Brownlee	Mauritz
Bullock	Moffett
Chadick	Morris
Cotten	Shivers
Fain	Stone
Formby	Sulak
Graves	Vick
Jones	Winfield
Lane	York

Absent

Hazlewood	Moore
Martin	Ramsey
Metcalf	Weinert

Absent—Excused

Kelley	Spears
Lemens	

House Concurrent Resolution 47

The President laid before the Senate, for consideration at this time:

H. C. R. No. 47, Authorizing the House to adjourn from Thursday, February 25, to Monday, March 1, 1943.

The resolution was read and was adopted.

Motion to Take up Senate Bill 138

Senator Lovelady moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that S. B. No. 138 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the Senate's entire membership):

Yeas—21

Aikin	Bullock
Beck	Chadick
Brownlee	Cotten

Fain	Moffett
Formby	Morris
Graves	Shivers
Jones	Stone
Lane	Sulak
Lanning	Winfield
Lovelady	York
Mauritz	

Nays—1

Ramsey

Absent

Hazlewood	Moore
Martin	Vick
Metcalfe	Weinert

Absent—Excused

Kelley	Spears
Lemens	

Reports of Standing Committee

Senator Sulak, by unanimous consent, submitted at this time the following reports:

Austin, Texas,
February 25, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Health to whom was referred S. B. No. 67, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee amendment and be printed.

SULAK, Chairman.

Austin, Texas,
February 25, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Health to whom was referred S. B. No. 171, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee amendment and be printed.

SULAK, Chairman.

Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time and referred to the committee indicated:

By Senator Lovelady:

S. B. No. 232, A bill to be entitled "An Act amending S. B. No. 91, Chap-

ter 14 of the General Laws of the Regular Session of the Forty-seventh Legislature so as to declare and recognize for certain tax purposes only Post, Camp and Unit Exchanges established and operated within the State of Texas, by the United States Military, Naval and Marine forces, as instrumentalities of the United States; providing that the tax on the sale and use of cigarettes shall not apply to sales to or by such Post, Camp or Unit Exchanges where made to officers, soldiers, sailors, nurses, and marines, in the Army, Navy or Marine Corps of the United States and not otherwise; providing at what places and under what conditions sales of cigarettes may be made to officers, soldiers, sailors, nurses and marines of the United States; prohibiting the purchase and receipt of cigarettes by any civilian employee of the United States Government, or any other person, except officers, soldiers, sailors, nurses and marines of the Army, Navy and Marine forces of the United States, from Post, Camp, or Unit Exchanges of such forces, without the State Tax Stamp being affixed to each package thereof, and prohibiting the use and consumption of cigarettes by such persons without paying the tax imposed by law upon cigarettes used or otherwise disposed of in this State; prohibiting the removal of cigarettes in quantities of more than forty (40) cigarettes from Military and Naval Posts and Reservations by officers, soldiers, sailors, nurses, and marines in the Army, Navy, or Marine Corps of the United States, without the State Tax stamp affixed to each package, and prohibiting the resale and distribution of such cigarettes to any person not authorized to use and consume the same without the State Tax having been paid thereon; providing the purchase, possession, or use of such cigarettes is a violation of this Act; making possession of unstamped cigarettes by certain persons and under certain conditions named in this Act prima facie violation; providing a penalty for violation of this Act by making it a misdemeanor, and declaring each violation to be a separate offense; providing a saving clause; and declaring an emergency."

To Committee on State Affairs.

At Ease

On motion of Senator Fain, the Senate, at 11:40 o'clock a. m., agreed to stand at ease subject to the call of the President.

The President called the Senate to order at 12:05 o'clock p. m.

Adjournment

Senator Ramsey moved that the Senate adjourn until 10:00 o'clock a. m. Monday, March 1, 1943.

The motion prevailed; and the Senate, accordingly, at 12:07 o'clock p. m., adjourned until 10:00 o'clock a. m. Monday, March 1, 1943.

In Memory of
Mrs. R. L. McDowra

Senator Aikin offered the following resolution:

(Senate Resolution 46)

Whereas, The Senate has learned with deep regret of the passing of Mrs. R. L. McDowra; and

Whereas, Mrs. McDowra was a most lovable character and beloved by all who knew her; and

Whereas, She was the wife of one of our former Colleagues, Honorable R. L. McDowra, former Representative of Lamar County; and

Whereas, The Senate desires to express our sincere sympathy to Mr. McDowra, and the members of the family; now, therefore, be it

Resolved, That a copy of this resolution be sent to Mr. McDowra and to the members of the family and that a page in Senate Journal be set aside in honor of the memory of Mrs. McDowra.

The resolution was read and was adopted unanimously.

TWENTY-SIXTH DAY

(Monday, March 1, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 25, 1943, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Shivers was granted leave of absence for today on account of important business, on motion of Senator Weinert.

Senator Cotten was granted leave of absence for today on account of illness, on motion of Senator Chadick.

Report of Committee to Investigate Shortage of Feeds

Senator Brownlee submitted at this time the following report:

Austin, Texas,
February 27, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: Your committee appointed [pursuant to Senate Resolution 11] to investigate the protein feed shortage in the State of Texas begs leave to report that it has held several hearings, bringing before it a number of witnesses, and your committee believes, from the evidence placed before it, that the following facts are true:

1. That a critical situation exists in the State of Texas today which threatens the economic existence of our farmers and ranchmen due to the absolute lack of supplies of protein feeds necessary to keep their stock alive, their ability to produce the food and animal fiber required in the war effort as demanded by the United States Government, and which threatens the economic welfare of the stockyards, packers, retailers and consumers, as well as the health and nourishment of our people in every section of the nation.

2. That the government program setting forth quotas for the production of meat, milk, mohair, wool, fats and other food supplies cannot be complied with by the farmer and stockman unless he is able to purchase the necessary amount of protein products to feed the livestock and poultry he has on hand at the present time; that the amount of protein feed necessary to feed the cattle, sheep and all livestock is double the tonnage that can be produced from the cottonseed and peanuts available in Texas for crushing under present conditions and Federal regulations.

3. That it is very necessary at the present time and in the next three months to feed mother cows and ewes a sufficiency of protein so as to preserve the strength and vigor of this year's calves and lambs until grass time; that unless such protein is available, the death toll among mother cattle and sheep, as well as this year's crop of calves and lambs, will be tremendous.

4. The evidence shows that practically all of the cotton seed produced from the 1942 crop has been crushed, sold and used, and that the supply of cake and meal from said crop has been absolutely consumed.

5. The evidence shows also that there are two other sources of high protein concentrate feeds perhaps available, to-wit, peanuts and soya beans; but that a large part of the peanut production in Texas is being stored and not being shipped to the mills for immediate crushing, and that soya beans, mostly produced farther north in the United States, are being shipped to Texas mills on a strict ration basis. That the government estimate of the soya bean crop of 1942 was 209,000,000 bushels,